

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Pursuant to the authority of Iowa Code section 218.4, the Department of Human Services rescinds Chapter 101, “Iowa State Juvenile Home,” and adopts new Chapter 101, “Iowa Juvenile Home,” and rescinds Chapter 103, “Eldora Training School,” and adopts new Chapter 103, “State Training School,” Iowa Administrative Code.

These amendments update the rules for the Iowa Juvenile Home at Toledo and the State Training School at Eldora and Toledo. The amendments reorganize, update, and clarify existing rules on admission procedures, communication with individuals residing in these facilities, employment of those individuals, alleged child abuse in the facility, approval of temporary home visits, tours of the facility and public use of buildings and grounds. Specific changes include:

- Adding more definitions of terms;
- Expanding the list of persons who shall be denied visiting rights;
- Requiring supervision by an adult family member during a visit by a family member under the age of 18 (formerly age 12);
- Conforming Chapter 103 to the requirements of 2009 Iowa Code Supplement chapter 692A regarding sex offender registration to reflect the implementation of 2009 Iowa Acts, chapter 119.

Additional rules for the Iowa Juvenile Home and the State Training School address:

- Population guidelines and criteria for accepting youth into care;
- Photographing and recording of individuals;
- Recovery of the cost of care from individuals with unearned income; and
- Procedures for donations to the facility.

Rules on program assignment at the Iowa Juvenile Home and on charges for use of facility buildings and grounds have been deleted, as have the rules for the State Training School regarding the following topics:

- Detention;
- Standards;
- Advisory committee;
- Risk assessment for sex offenders; and
- Public notification regarding sex offenders.

These amendments provide for grievance procedures but not for waivers. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

Notice of Intended Action on these amendments was published in the Iowa Administrative Bulletin on September 22, 2010, as **ARC 9086B**. The Department received no comments on the Notice of Intended Action.

One nonsubstantive change has been made to the amendments published under Notice of Intended Action: The term “juvenile home” has been changed to “Iowa juvenile home” in Chapter 101. Another change has been made for clarity to the language in subrule 103.7(2) by changing “in advance of the visit being” to “before the visit is.” Subrule 103.7(2) has been revised to read as follows:

“103.7(2) The superintendent or designee and the individual’s juvenile court officer shall approve a temporary home visit before the visit is scheduled and only after the juvenile court officer has investigated and approved in writing the temporary home visit placement.”

In addition, the implementation sentences of rules 441—101.13(8,218) and 441—103.13(8,218) have been expanded to include Iowa Code section 218.4.

The Council on Human Services adopted these amendments on December 8, 2010.

These amendments are intended to implement Iowa Code section 8.7 and chapters 218, 233A and 233B and 2009 Iowa Code Supplement section 692A.109.

These amendments shall become effective on February 2, 2011.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [Chs 101, 103] is being omitted. With the exception of the changes noted above, these amendments are identical to those published under Notice as **ARC 9086B**, IAB 9/22/10.

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[For replacement pages for IAC, see IAC Supplement 12/29/10.]